

**TOWN OF DAVIE  
TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers

**FROM/PHONE:** David Quigley, AICP, Planning and Zoning Manager/(954) 797-1103

**PREPARED BY:** David Abramson, Deputy Planning and Zoning Manager

**SUBJECT:** Other - Plat

**AFFECTED DISTRICT:** 2

**ITEM REQUEST:** Schedule for Council Meeting

**TITLE OF AGENDA ITEM:** PLAT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PLAT KNOWN AS "EHLINGER APARTMENTS" AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE. P 3-1-10, Ehlinger Apartments, 7481 Northwest 33rd Street and 3751 Northwest 74th Avenue (RM-16 and CF, RM-10 proposed). Planning and Zoning Board recommended approval. (See related items 4.22, 6.5, & 6.6)

**EXECUTIVE SUMMARY:** The petitioner is requesting plat approval for a new multi-family rental community, which is located on the north side of Northwest 33rd Street and on the west side of Northwest 74th Avenue. This plat can be considered compatible with the abutting multi-family residential properties.

**KEY POINTS:**

- The subject property is owned by Broward County Housing Authority
- The proposed plat would allow up to 155 dwellings and 5,000 sq. ft. of office use (to be developed as clubhouse and rental administration office).
- The Town's Housing and Community Development has reviewed the proposal
- Three other applications are associated with this request

**CONCURRENCES:** At the May 12, 2010 Planning and Zoning Board meeting, Mr. DeArmas made a motion, seconded by Mr. Farkas, to approve. In a roll call vote, the vote was as follows: Chair Turin – yes; Vice-Chair Busey – yes; Mr. DeArmas – yes; Mr. Farkas – yes; Mr. Jacob – absent. **(Motion carried 4-0)**

**FISCAL IMPACT:** not applicable

Has request been budgeted? n/a

**RECOMMENDATION(S):** Other - Staff finds the application complete and suitable for transmittal to Town Council for further consideration.

**Attachment(s):** Resolution; Planning Report

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
APPROVING A PLAT KNOWN AS "EHLINGER APARTMENTS"  
AND AUTHORIZING THE MAYOR AND TOWN CLERK TO  
ACKNOWLEDGE THE APPROVAL BY AFFIXING THE  
MAYOR'S SIGNATURE AND THE TOWN SEAL TO SAID PLAT;  
AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the proposed plat to be known as the "Ehlinger Apartments" was considered by the Planning and Zoning Board on May 12, 2010;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. The said plat is hereby approved subject to conditions stated in the planning report which is attached hereto and made a part hereof.

SECTION 2. The Mayor is authorized to sign said plat on behalf of the Town and the Town Clerk is directed to affix the Town seal to said plat.

SECTION 3. Any improvements required to satisfy transit concurrency and should be located within the Town of Davie.

SECTION 4. This resolution takes effect immediately upon passage and adoption.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010.

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

ATTEST:

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010.

**Application:** P 3-1-10/10-82/Ehlinger Apartments  
**Original Report Date:** 05/03/10  
05/19/10

**Revision:**

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**TOWN OF DAVIE**  
**Planning & Zoning Division**  
*Staff Report and Recommendation*

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**Applicant Information**

**Owner**

**Name:** Broward County Housing Authority  
**Address:** 4780 North State Road 7  
**City:** Lauderdale Lakes, Florida 33319  
**Phone:** (954) 739-1114

**Petitioner**

**Name:** Shutts & Bowen, LLP  
**Address:** 201 South Biscayne Boulevard, Suite 1500  
**City:** Miami, Florida 33131  
**Phone:** (305) 347-7821

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**Background Information**

**Application Request:** Plat approval

**Address:** 7481 Northwest 33<sup>rd</sup> Street and 3751 Northwest 74<sup>th</sup> Avenue

**Location:** Generally located on the north side of Northwest 33<sup>rd</sup> Street and on the west side of Northwest 74<sup>th</sup> Avenue

**Future Land Use Plan Map:** Residential 16 DU/Acre and Residential 10 DU/Acre

**Existing Zoning:** RM-16, Medium-High Dwelling District and CF, Community Facilities District (RM-10 is proposed)

**Existing Use(s):** Unoccupied multi-family residential community and vacant land

**Proposed Use:** An multi-family rental community consisting of 155 dwelling units

**Size:** Consisting of two previously platted properties: 9.71 acres and 3.24 acres totaling 12.96 acres (564,661 sq. ft.)

**Surrounding Properties:**

	Land Use Designation	Zoning District	Current Use
<b>North</b>	Community Facility	CF, Community Facilities	Community Facility
<b>South</b>	Commercial; Residential 10	B-1, Neighborhood Business;	Commercial; and,

	DU/Acre	and, RM-10, Medium Density	Multi-family dwellings
<b>East</b>	Residential 16 DU/Acre	CF, Community Facilities; RM-16, Medium-High Density	Multi-family dwellings
<b>West</b>	Residential 16 DU/Acre	RM-16, Medium-High Density	Multi-family dwellings

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## Zoning History

### **Related Zoning History:**

*Rezoning Application (ZB 9-3-93 Pem-Mar Seventh Day Adventist Church):* from RM-10 Medium Density Dwelling District to CF, Community Facilities District, with a Declaration of Restrictions limiting the site to church purposes, not to include day care or child care facilities, was approved on December 15, 1993.

### **Previous Requests on same property:**

*Plat (A.J. Bendle Subdivision):* this plat was recorded in Plat Book 1, Page 27, of the official records of Dade County.

*Plat Application (P 9-2-93, Seventh Day Plat):* with a note restricting the plat to “35,000 square feet of church use; other church related uses, such as elementary, middle, high school, preschool or day care are not permitted without approval of the Board of County Commissioners”, was approved on December 15, 1993. The plat will expire on April 7, 2003, unless a building permit for a principal building is issued, first inspection approval of said building is achieved, and water lines, sewer lines, drainage, and the rock base for internal roads are installed. This plat was later recorded in Plat Book 167, Page 45, of the official records of Broward County.

*Variance Application (V 8-1-00 Pem-Mar Seventh Day Adventist Church):* reducing the distance separation between houses of worship from 2,500 to 0 feet, was approved on September 22, 2000. Due to complications related to the platting process, site plan approval was not achieved prior to the expiration of the one (1) year time limit on variances.

*Variance Application (V 2-2-02 Pem-Mar Seventh Day Adventist Church):* reducing the distance separation between houses of worship from 2,500 to 0 feet, was approved on May 30, 2002

*Plat Application (P 5-1-09, Ehlinger Apartments):* this application expired and was withdrawn by staff per code.

*Master Plan Application (MSP 2-2-02, Pem-Mar Seventh Day Adventist Church):* this request was for a house of worship, multi-purpose hall, sabbath school and office.

*Conceptual Site Plan Application (CSP 4-4-09, Ehlinger Apartments):* at the May 20, 2009 Town Council meeting, this item was approved on the consent agenda.

### **Concurrent Requests on same property:**

*Rezoning Application (ZB 3-1-10, Ehlinger Apartments):* rezoning the subject site from CF, Community Facilities District to RM-10, Medium Density Dwelling District.

*Master Plan Application (MSP 3-2-10, Ehlinger Apartments):* master plan consisting of 155 dwelling units.

*Variance Application (V 3-1-10, Ehlinger Apartments):* variance from Section §12-208; minimum off-street parking requirements for multiple-family based on bedroom count is a total of 350 parking spaces to provide 300 parking spaces.

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## **Applicable Codes and Ordinances**

The effective Code of Ordinances governing this project is the Town of Davie Land Development Code.

*Land Development Code (Section 12-360(B)(1))* platting requirements.

*Land Development Code (Section 12-366.1 (A) thru (D))* submission requirements for plats.

*Land Development Code*, Article XII of the Land Development Code, Subdivisions and Site Plans.

*Land Development Code (Section 12-24 (I)(6))*, the RM-16, Medium-High Dwelling District is intended to implement the sixteen (16) dwelling units per acre residential classification of the Town of Davie Future land Use Plan and the residential classification of the Town of Davie Comprehensive Plan by providing for medium-high density multiple-family dwelling districts in the Town of Davie.

*Land Development Code (Section 12-24 (I)(6))*, the RM-10, Medium High Dwelling District is intended to implement the ten (10) dwelling units per acre residential classification of the Town of Davie Future land Use Plan and the residential classification of the Town of Davie Comprehensive Plan by providing for medium density multiple-family dwelling districts in the Town of Davie.

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## **Comprehensive Plan Considerations**

### **Planning Area:**

The subject site falls within Planning Area 11. The boundaries of this planning area are Stirling Road on the north, Davie Road Extension on the southeast, and University Drive on the west. The area is characterized by multi-family residential development on the south side of Stirling Road, ranging from eight to 16 dwellings per acre. There is one single-family residential subdivision, developed at five dwellings per acre. Housing in this area is generally in stable condition. Small commercial developments line Davie Road Extension and University Drive. The Town has potable water and wastewater treatment facilities in this planning area.

### **Broward County Land Use Plan:**

The subject site falls within Flexibility Zone 102.

### **Applicable Goals, Objectives & Policies:**

*1. Future Land Use Element, Objective 6: Consistency of Development with Comprehensive Plan, Policy 6-2:* The (re)zoning, (re)platting, and site planning of land shall be in compliance with the density ranges shown on the Davie Future Land Use Plan map and the applicable Future Land Use Designation provisions as contained in the Permitted Use portion of the Implementation Section.



*1. Future Land Use Plan, Objective 19: Land Use Compatibility and Community Appearance, Policy 19-3:* Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.

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## Application Details

1. *Site:* The project consists of 12.96 acres (564,661 sq. ft.)
2. *Restrictive Note:* The plat is restricted to 155 multi-family residential units and 5,000 square feet of office.
3. *Access:* The plat provides vehicular access off Northwest 33<sup>rd</sup> Street and a fifty foot non-vehicular access line opening off Northwest 74<sup>th</sup> Avenue at the intersection of Northwest 37<sup>th</sup> Street.
4. *Trails:* The Driftwood Park Trail is located along Northwest 33<sup>rd</sup> Street right-of-way adjacent to the subject site. This trail will accommodate leisure activities to and from the subject site and will also provide access numerous Davie parks and other trails.
5. *Easements and Reservations:* The plat vacates all existing easements and future easements are to be dedicated under separate instrument.
6. *Dedications:* The plat is not providing any dedications.
7. *Drainage:* The plat is within Central Broward Drainage District (CBWCD), and approval from this agency shall be obtained prior to the issuance of any site development permit.
8. *Compatibility:* The plat can be considered compatible with the abutting multi-family residential properties. The plat is consistent with the code as it relates to access, location, size, and use.

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## Significant Development Review Agency Comments

The following comments represent significant comments made by the Development Review Committee as part of the review process. All comments have been addressed unless otherwise indicated.

### Planning and Zoning Division:

1. If required by the County, the restriction note should be limited to 155 “affordable” multi-family residential units. *Refer to the petitioner’s attached letter dated May 20, 2010 that further specifies the unit types.*

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## Staff Analysis

The combined properties related to this plat meet the intent of the Medium/Medium-High Density Dwelling Districts and is compatible with both the comprehensive plan, as well as the land use designation of Residential 16 and 10 DU/Acre. The plat is in accordance with the Town’s land development code as it relates to access, location, and size.

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### **Staff Recommendation**

Staff finds the application complete and suitable for transmittal to the Planning and Zoning Board for further consideration.

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## **Planning and Zoning Board Recommendation**

At the May 12, 2010 Planning and Zoning Board meeting, Mr. DeArmas made a motion, seconded by Mr. Farkas, to approve. In a roll call vote, the vote was as follows: Chair Turin – yes; Vice-Chair Busey – yes; Mr. DeArmas – yes; Mr. Farkas – yes; Mr. Jacob – absent. **(Motion carried 4-0)**

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## **Town Council Action**

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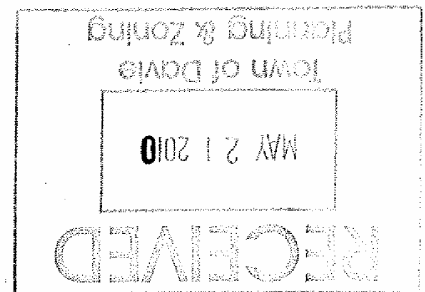
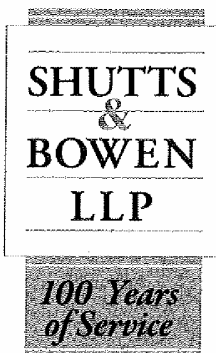
## **Exhibits**

1. Petitioner's letter specifying unit types
  2. Land Use Map
  3. Zoning Map
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Prepared by: \_\_\_\_\_  
Reviewed by: \_\_\_\_\_

*File Location: X:\0\_Dev Review\Development Applications\Applications\P\_Plat\P\_10\P\_3-1-10\_Ehlinger\_Apartments*

RYAN D. BAILINE  
(305) 347-7354 Direct Telephone  
(305) 347-7821 Direct Facsimile



E-MAIL ADDRESS:  
rbailine@shutts.com

May 20, 2010

**VIA FEDERAL EXPRESS**

David Abramson  
Deputy Planning and Zoning Manager  
Town of Davie  
Planning and Zoning Division  
6591 Orange Drive  
Davie, FL 33314-3309

**Re: Plat Application P 3-1-10\10-82: Ehlinger Apartments ("Plat")**

Dear David:

Our firm represents Ehlinger Apartments Development, LLC and The Broward County Housing Authority (collectively "Applicant") in connection with the development of the Ehlinger Apartments Affordable Housing Community ("Project") which includes the above captioned Plat. On June 2, 2010 the Plat is going before the Town of Davie Town Council ("Council"). In advance of that hearing, we are requesting that the proposed notation on the Plat be expanded to provide more specificity about the Project. The additional language that the Applicant is requesting be added is:

**Ehlinger Apartments will contain: 55 garden style apartments (1 very low income one bedroom unit, 5 low income one bedroom units, 10 very low income two bedroom units, 37 low income two bedroom units and 2 low income 3 bedroom units); and 100 townhomes (2 very low income 3 bedroom units, 48 low income 2 bedroom units and 50 low income 3 bedroom units).**

We would appreciate it if the above language can be added to the Plat as part of the recommendation of approval by the Council. Doing so will greatly assist the Applicant and Broward County ("County") in confirming the vested status of the 100 townhome units previously located on the property. Adding the above language will also allow the County to

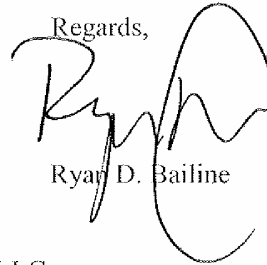
David Abramson  
May 20, 2010  
Page 2

calculate the appropriate impact fee credits to which the Applicants are entitled. The above language does not expand the scope or intensity of the Project and is consistent with the Site Plan for the Project, which is also going before the Council for approval on June 2, 2010.

Upon your review of the above, please contact me at your earliest opportunity in the event you need any additional information. After the Plat and the Site Plan are approved by the Council, we will add the above language to the face of the Plat and will forward you a final version of the Plat, as approved, immediately after our hearing.

As always, thank you for your continued assistance with the Project. We look forward to seeing you on June 2, 2010.

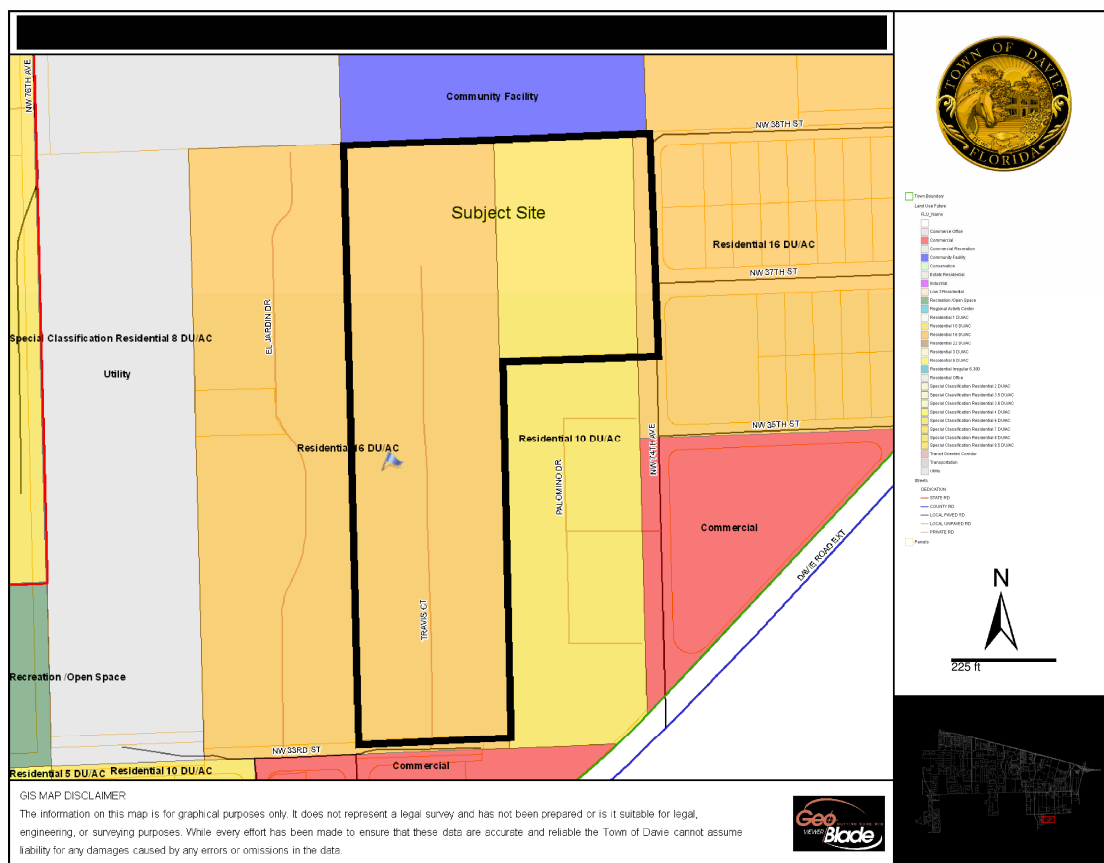
Regards,

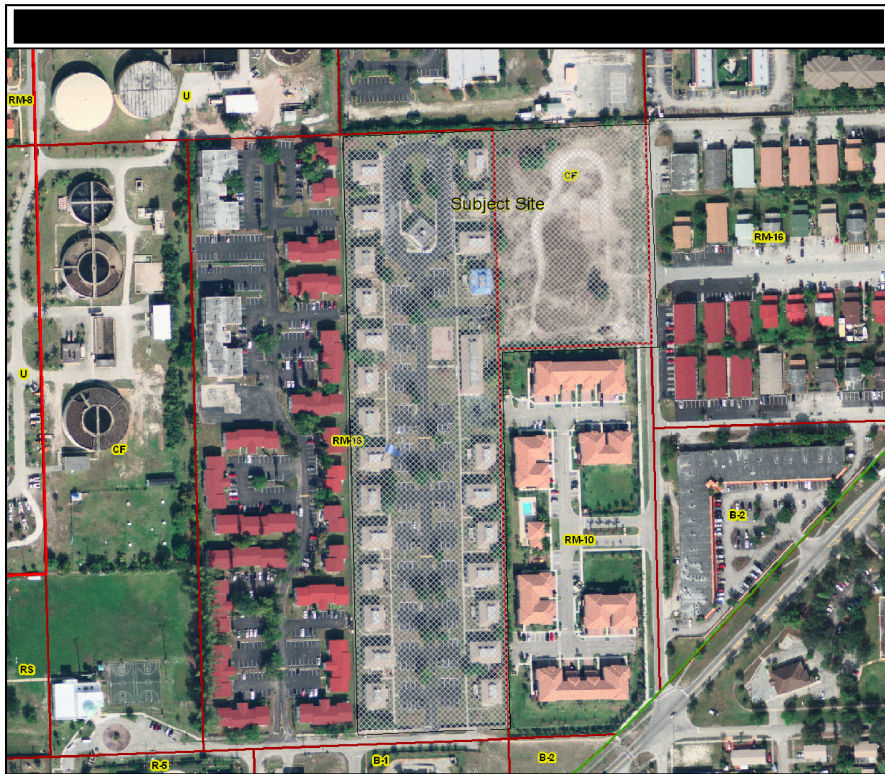
A handwritten signature in black ink, appearing to read "Ryan D. Bailine", with a large, stylized flourish at the end.

Ryan D. Bailine

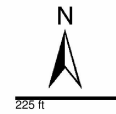
cc. Carlisle Development Group, LLC  
Ehlinger Apartments Development, LLC  
Broward County Housing Authority  
Linda Christian-Cruz

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- Town Boundary
- Zoning



#### GIS MAP DISCLAIMER

The information on this map is for graphical purposes only. It does not represent a legal survey and has not been prepared or is it suitable for legal, engineering, or surveying purposes. While every effort has been made to ensure that these data are accurate and reliable the Town of Davie cannot assume liability for any damages caused by any errors or omissions in the data.

